

**SUPREME COURT MINUTES
MONDAY, APRIL 14, 2008
SAN FRANCISCO, CALIFORNIA**

S051451**PEOPLE v. VALENCIA
(ALFREDO)**

Opinion filed: Judgment affirmed in full

Opinion by: Chin, J.

-----joined by: George, C. J., Kennard, Baxter, Werdegarr, Moreno, and Corrigan, JJ.

S162446 B206517 Second Appellate District, Div. 1**SANTA FE SPRINGS, CITY
OF v. FOXZ CORPORATION**

The application for stay and petition for review are denied.

S050102**PEOPLE v. HENSLEY (PAUL
LOYDE)**

Extension of time granted

Good cause appearing, and based upon counsel Richard L. Rubin's representation that he anticipates filing the appellant's opening brief by May 14, 2008, counsel's request for an extension of time in which to file that brief is granted to May 14, 2008. After that date, no further extension will be granted.

S055652**PEOPLE v. FUIAVA
(FREDDIE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Thomas C. Hsieh's representation that he anticipates filing the supplemental respondent's brief by May 10, 2008, counsel's request for an extension of time in which to file that brief is granted to May 12, 2008. After that date, no further extension is contemplated.

S080550**PEOPLE v. LEE (PHILIAN
EUGENE)**

Extension of time granted

Good cause appearing, and based upon counsel Conrad Petermann's representation that he anticipates filing the appellant's reply brief by August 2008, counsel's request for an extension of

time in which to file that brief is granted to June 10, 2008. After that date, only one further extension totaling about 60 additional days is contemplated.

S086355**PEOPLE v. LEWIS, SR.,
(KEITH ALLEN)**

Extension of time granted

Due to clerical error, the order issued on April 7, 2008, granting an extension of time to file appellant's opening brief was entitled KEITH ALLEN DAVIS, SR., Appellant; the corrected title as of this date is noted above.

Good cause appearing, and based upon counsel Pamala Sayasane's representation that she anticipates filing the appellant's opening brief by fall 2008, counsel's request for an extension of time in which to file that brief is granted to June 10, 2008. After that date, only two further extensions totaling about 120 additional days are contemplated.

S100735**PEOPLE v. LANDRY
(DANIEL GARY)**

Extension of time granted

Due to clerical error, the order issued on April 7, 2008, granting an extension of time to file appellant's opening brief was entitled DANIEL GARY LANDRY, Appellant; the corrected title as of this date is noted above.

Good cause appearing, and based upon counsel Donald R. Tickle's representation that he anticipates filing the appellant's opening brief by September-November 2008, counsel's request for an extension of time in which to file that brief is granted to June 3, 2008. After that date, only three further extensions totaling about 150 additional days are contemplated.

S106274**PEOPLE v. CARO (SOCORRO
SUSAN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 13, 2008.

S151243**TOBIN (CHRISTOPHER
ALLAN) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Harry Joseph Colombo's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by December 2008, counsel's request for an extension of time in which to file that document is granted to June 13, 2008. After that date, only three further extensions totaling about 180 additional days are contemplated.

S161382**LOWE (ANDREW GERAD)
ON H.C.**

Extension of time granted

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the respondent's informal response is extended to May 14, 2008.

S161608**FUIAVA (FREDDIE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Thomas C. Hsieh's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by November 15, 2008, counsel's request for an extension of time in which to file that document is granted to June 9, 2008. After that date, only three further extensions totaling about 160 additional days are contemplated.

S162059

C053325 Third Appellate District

**RIGG (JUDITH) v. STATE OF
CALIFORNIA**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to April 18, 2008.

S095223**PEOPLE v. BLOOM
(ROBERT MAURICE)**

Order filed

Due to clerical error, the order issued on April 11, 2008, granting an extension of time to file the appellant's opening brief was issued under case S095233, the corrected case number as of this date is noted above.

Good cause appearing, and based upon Deputy State Public Defender William T. Lowe's representation that he anticipates filing the appellant's opening brief by March 2009, counsel's

request for an extension of time in which to file that brief is granted to June 13, 2008. After that date, only five further extensions totaling about 270 additional days will be granted.

S160915**COOK (JOSEPH LLOYD) ON
H.C.**

Order filed

The order filed on April 9, 2008, is amended to read as follows:

Petitioner Joseph Lloyd Cook's "motion to defer informal briefing on petition for writ of habeas corpus," filed on February 15, 2008, is granted. Further briefing is deferred until the earlier of:

- 1) petitioner files an amended petition, including all reasonably available documentary evidence in support of the allegations in the petition for writ of habeas corpus filed on February 15, 2008, and any additional allegations or claims for relief about which he may become aware as the result of further investigation and discovery; or
- 2) the period of presumptive timeliness under this court's order of September 22, 2006, expires. The September 22, 2006, order, and the present one, are made to promote judicial economy, to effectuate petitioner's right to counsel under section 68662 of the Government Code, to allow "the full factual development in state court" of petitioner's claims (*Keeney v. Tamayo-Reyes* (1992) 504 U.S. 1, 9), and to permit the completion of "one full round of [state collateral] review" (*Carey v. Saffold* (2002) 536 U.S. 214, 222).

B195034

Second Appellate District, Div. 3

**MCMILLIAN
(CHRISTOPHER) v. STROUD
(CASSANDRA)**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Four.

B195240

Second Appellate District, Div. 3

**LEMMA (DANIEL) v.
UNITED INDEPENDENT
TAXI DRIVERS, INC.**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Seven.

B200831

Second Appellate District, Div. 7

**MCWILLIAMS (JOHN W.) v.
CITY OF LONG BEACH**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Seven to Division Three.

B201035

Second Appellate District, Div. 4

**ARDON (ESTUARDO) v.
CITY OF LOS ANGELES**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Four to Division Three.

S160664**EARLE ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that DAVID JEFFREY EARLE, State Bar No. 98968, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S160667**SPENCE ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that G. BRUCE SPENCE, State Bar No. 139100, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 812)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 5, 6, 7 and 8, 2008**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 5, 6, 7 and 8, 2008.

MONDAY, MAY 5, 2008—1:30 P.M.

S142211	Mayer et al. v. L & B Real Estate
S037625	People v. Harris (Lanell) [Automatic Appeal]
S042224	People v. Cruz (Tomas Verano) [Automatic Appeal]

TUESDAY, MAY 6, 2008—9:00 A.M.

S139133	Miklosy et al. v. Regents of the University of California et al.
S136468	Silicon Valley Taxpayers Assn. v. Santa Clara County Open Space Authority
S148712	Barsamyan v. Appellate Division of the Superior Court of Los Angeles County (People, Real Party in Interest)

2:00 P.M.

S149257	State Compensation Ins. Fund v. Workers' Compensation Appeals Board (Sandhagen) and companion case
S045060	People v. Loker (Keith) [Automatic Appeal]
S056765	People v. Parson (Richard Ray) [Automatic Appeal]

WEDNESDAY, MAY 7, 2008—9:00 A.M.

S149851	Bouton v. USAA Casualty Insurance Co.
and S149847	O'Hanesian v. State Farm Mutual (<i>consolidated cases</i>)
S141541	Crawford et al. v. Weather Shield Manufacturing, Inc.
S148949	People v. Allen (Tony Lee)

1:30 P.M.

S147510 People v. Cuevas (Saul Garcia)
S089623 People v. Wilson (Lester Harland) [Automatic Appeal]
S043187 People v. Riggs (Billy Ray) [Automatic Appeal]

THURSDAY, MAY 8, 2008—9:00 A.M.

S140547 Environmental Protection Information Center et al. v.
Calif. Dept. of Forestry and Fire Protection et al. (Pacific
Lumber Company et al., Real Parties in Interest)
(and three other cases)
S141357 People v. Evans (Blaine)
S141654 People v. Najera (Michael)

1:30 P.M.

S145458 People v. Chance (Kenneth Wayne)
S056997 People v. Whisenhunt (Michael McCrea) [Automatic Appeal]
S070686 People v. Romero (Gerardo) [Automatic Appeal]

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission.
(See Cal. Rules of Court, rule 8.224(c) (formerly rule 18(c)).)

FILED 4/14/2008

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ORAL ARGUMENT CALENDAR
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S139133 Miklosy et al. v. Regents of the University of California et al.
S136468 Silicon Valley Taxpayers Assn. v. Santa Clara County Open
Space Authority
S144813 Berglund v. Arthroscopic & Laser Surgery Center

2:00 P.M.

S149257 State Compensation Ins. Fund v. Workers' Compensation
Appeals Board (Sandhagen) and consolidated case
S045060 People v. Loker (Keith) [Automatic Appeal]
S056765 People v. Parson (Richard Ray) [Automatic Appeal]

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S149851 Bouton v. USAA Casualty Insurance Co.
and S149847 O'Hanesian v. State Farm Mutual (*consolidated cases*)
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S141654 People v. Najera (Michael)

1:30 P.M.

S147051 People v. Nelson (Dennis Louis)
S056997 People v. Whisenhunt (Michael McCrea) [Automatic Appeal]
S070686 People v. Romero (Gerardo) [Automatic Appeal]

Werdegar, J.
Acting Chief Justice

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(See Cal. Rules of Court, rule 8.224(c) (formerly rule 18(c)).)